

protection of the public health and safety. Moreover, the NRC's governmental site ownership provision is directed at assuring control over potential releases over very long periods of time (in excess of 100 years), and the Utah program, especially the restrictive covenant and remedial action powers, should likewise achieve an adequate level of control. NRC staff recognizes that, under other circumstances, a State's ownership of a site as contrasted with private land ownership of the site might, in theory, carry with it some greater legal or "moral" obligation by the State to take affirmative action to assure safety. However, given the nearby presence of the RCRA facility, the proximity of two other radioactive waste disposal activities under Federal land ownership requirements, and the remoteness of the site, the Commission does not believe private site ownership poses a sufficient real safety issue to warrant revocation or suspension of the Utah regulatory program.

## V. Conclusion

The NRC has carefully reviewed the issues raised by the petitioner in the staff's review of the Utah program. For the reasons discussed above, I find no need for taking such action. Rather, on the basis of the review efforts by the NRC staff, I concluded that the petitioner has not raised a sufficient issue of Utah's compliance with one or more requirements of Section 274 of the AEA or any substantial health and safety issues to warrant the action requested. Accordingly, the petitioner's request to suspend or revoke the Utah Agreement State program for failure to require State or Federal site ownership at the Envirocare of Utah, Inc. LLRW disposal site is denied.<sup>5</sup> A copy of this decision will be placed in the Commission's Public Document Room, Gelman Building, 2120 L Street, NW, Washington, DC 20555. A copy of this decision will also be filed with the Secretary for the Commission's review as stated in 10 CFR 2.206(c) of the Commission's regulations. The decision will become the final action of the Commission twenty-five (25) days after issuance unless the Commission on its

own motion institutes review of the decision within that time.

Dated at Rockville, Maryland this 26th day of January, 1995.

For the Nuclear Regulatory Commission.

**Richard L. Bangart,**

*Director, Office of State Programs.*

[FR Doc. 95-2578 Filed 2-1-95; 8:45 am]

BILLING CODE 7950-01-M

## [Docket No. 50-213]

### Connecticut Yankee Atomic Power Company; Notice of Consideration of Issuance of Amendment to Facility Operating License and Opportunity for a Hearing

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment to Facility Operating License No. DPR-61, issued to Connecticut Yankee Atomic Power Company (the licensee), for operation of the Haddam Neck Plant located in Middlesex County, Connecticut.

The proposed amendment would modify the Technical Specification (TS) 3.4.5, "Steam Generators," surveillance requirements 4.4.5.3.a and 4.4.5.3.b. These surveillance requirements pertain to the inservice inspection of the steam generator tubes and are being modified to support a 24 month fuel cycle.

Before issuance of the proposed license amendment, the Commission will have made findings required by the Atomic Energy Act of 1954, as amended (the Act) and the Commission's regulations.

By March 6, 1995, the licensee may file a request for a hearing with respect to issuance of the amendment to the subject facility operating license and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written request for a hearing and a petition for leave to intervene. Requests for a hearing and a petition for leave to intervene shall be filed in accordance with the Commission's Rules of Practice for Domestic Licensing Proceedings<sup>1</sup> in 10 CFR Part 2. Interested persons should consult a current copy of 10 CFR 2.714 which is available at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC, and at the local public document room located at the Russell Library, 123 Broad Street, Middletown, CT 06457. If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or an Atomic Safety and Licensing Board, designated by the Commission or by the

Chairman of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition; and the Secretary or the designated Atomic Safety and Licensing Board will issue a notice of hearing or an appropriate order.

As required by 10 CFR 2.714, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) The nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. The petition should also identify the specific aspect(s) of the subject matter of the proceeding as to which petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend the petition without requesting leave of the Board up to 15 days prior to the first prehearing conference scheduled in the proceeding, but such an amended petition must satisfy the specificity requirements described above.

Not later than 15 days prior to the first prehearing conference scheduled in the proceeding, a petitioner shall file a supplement to the petition to intervene which must include a list of the contentions which are sought to be litigated in the matter. Each contention must consist of a specific statement of the issue of law or fact to be raised or controverted. In addition, the petitioner shall provide a brief explanation of the bases of the contention and a concise statement of the alleged facts or expert opinion which support the contention and on which the petitioner intends to rely in proving the contention at the hearing. The petitioner must also provide references to those specific sources and documents of which the petitioner is aware and on which the petitioner intends to rely to establish those facts or expert opinion. Petitioner must provide sufficient information to show that a genuine dispute exists with the applicant on a material issue of law or fact. Contentions shall be limited to matters within the scope of the amendment under consideration. The contention must be one which, if proven, would entitle the petitioner to relief. A petitioner who fails to file such a supplement which satisfies these

<sup>5</sup> In a letter of July 8, 1993 to NRC Chairman Ivan Selin, the petitioner claimed that the Commission's decision of June 28, 1993 denied the petitioner an opportunity for a hearing on its petition for the revocation of Utah's Agreement State status to argue the policy issues associated with the land ownership exemption. Neither the AEA nor the Commission's regulations provides for a hearing on the evaluation of an Agreement State program. The Commission's review of the Agreement State program incorporated a review of the issues raised in the petition.

requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing, including the opportunity to present evidence and cross-examine witnesses.

A request for a hearing or a petition for leave to intervene must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Docketing and Services Branch, or may be delivered to the Commission's Public Documents Room, the Gelman Building, 2120 L Street, NW., Washington, DC, by the above date. Where petitions are filed during the last 10 days of the notice period, it is requested that the petitioner promptly so inform the Commission by a toll-free telephone call to Western Union at 1-(800) 248-5100 (in Missouri 1-(800) 342-6700). The Western Union operator should be given Datagram Identification Number N1023 and the following message addressed to Phillip F. McKee: petitioner's name and telephone number, date petition was mailed; plant name; and publication date and page number of this **Federal Register** notice. A copy of the petition should also be sent to the Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555, and to Gerald Garfield, Esquire, Day, Berry & Howard, Counselors at Law, City Place, Hartford, CT 06103-3499, attorney for the license.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for hearing will not be entertained absent a determination by the Commission, the presiding officer or the presiding Atomic Safety and Licensing Board that the petition and/or request should be granted based upon a balancing of the factors specified in 10 CFR 2.714(a)(1) (i)-(v) and 2.714(d).

If a request for a hearing is received, the Commission's staff may issue the amendment after it completes its technical review and prior to the completion of any required hearing if it publishes a further notice for public comment of its proposed finding of no significant hazards consideration in accordance with 10 CFR 50.91 and 50.92.

For further details with respect to this action, see the application for amendment dated December 20, 1994, which is available for public inspection at the Commission's Public Document Room, the Gelman Building, 2120 L

Street, NW., Washington, DC, and at the local public document room located at the Russell Library, 123 Broad Street, Middletown, CT 06457.

Dated at Rockville, Maryland, this 24th day of January 1995.

For the Nuclear Regulatory Commission.  
**Phillip F. McKee,**  
*Director, Project Directorate I-4, Division of Reactor Projects—I/II, Office of Nuclear Reactor Regulation.*

[FR Doc. 95-2572 Filed 2-1-95; 8:45 am]

BILLING CODE 7590-01-M

#### [Docket No. 50-213]

#### **Connecticut Yankee Atomic Power Co.; Notice of Issuance of Amendment to Facility Operating License**

The U.S. Nuclear Regulatory Commission (Commission) has issued Amendment No. 178 to Facility Operating License No. DPR-61 issued to Connecticut Yankee Atomic Power Company (the licensee), which revised the Technical Specifications for operation of the Haddam Neck Plant located in Middlesex County, Connecticut. The amendment is effective as of the date of issuance to be implemented within 30 days of issuance.

The amendment revises Technical Specifications (TS) 3.4.1.1, "Reactor Coolant Loops and Coolant Circulation," TS 3.7.1.1, "Safety Valves—Self Actuation Function," Table 3.7-1, "Steam Line Safety Valves Per Loop," and their associated Bases sections. In addition, the change adds a new TS 3.7.1.1.2, "Safety Valves—Remote Actuation Function."

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment.

Notice of Consideration of Issuance of Amendment and Opportunity for Hearing in connection with this action was published in the **Federal Register** on June 7, 1993 (58 FR 31979). No request for a hearing or petition for leave to intervene was filed following this notice.

The Commission has prepared an Environmental Assessment related to the action and has determined not to prepare an environmental impact statement. Based upon the environmental assessment, the Commission has concluded that the

issuance of the amendment will not have a significant effect on the quality of the human environment (59 FR 66564).

For further details with respect to the action see (1) the application for amendment dated May 4, 1993, as supplemented August 9 and 18, 1993, January 25, April 11, and June 22, 1994, (2) Amendment No. 178 to License No. DPR-61, (3) the Commission's related Safety Evaluation, and (4) the Commission's Environmental Assessment. All of these items are available for public inspection at the Commission's Public Document Room, the Gelman Building, 2120 L Street NW., Washington, DC, and at the local public document room located at the Russell Library, 123 Broad Street, Middletown, CT 06457.

Dated at Rockville, Maryland, this 26 day of January 1995.

For the Nuclear Regulatory Commission,  
**Alan B. Wang,**  
*Project Manager, Project Directorate I-4, Division of Reactor Projects—I/II, Office of Nuclear Reactor Regulation.*

[FR Doc. 95-2577 Filed 2-1-95; 8:45 am]

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## **SECURITIES AND EXCHANGE COMMISSION**

[Release No. 34-35281; File No. SR-CBOE-94-38]

### **Self-Regulatory Organizations; Chicago Board Options Exchange, Inc.; Order Granting Temporary Approval of a Proposed Rule Change Relating to the Short Sale of Securities in the Nasdaq National Market**

January 26, 1995.

#### **I. Introduction**

On October 25, 1994, the Chicago Board Options Exchange, Inc. ("CBOE" or "Exchange") filed with the Securities and Exchange Commission ("Commission" or "SEC"), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act")<sup>1</sup> and Rule 19b-4 thereunder,<sup>2</sup> a proposal to amend its Rule 15.10 regarding short sales of Nasdaq National Market ("Nasdaq/NM" or "NM") securities. The proposed rule change was published for comment and appeared in the **Federal Register** on

<sup>1</sup> 15 U.S.C. 78s(b)(1) (1988).

<sup>2</sup> 17 CFR 240.19b-4 (1993).